

REMARKS

Claims 1-13 are pending. Claim 1 is amended. A marked-up version showing the changes to claim 1 made by the present amendment is attached hereto as “**Version with markings to show changes made.**”

In the Office Action dated February 12, 2001, claims 1-13 were objected to under 35 USC§ 112, second paragraph, as being vague. Favorable reconsideration of this rejection is earnestly solicited.

Apparently, it is the Examiner’s position that since a silicon oxide film is disclosed in the specification as being formed on a substrate, then claim 1 is vague since it recites “forming a first insulation layer on a substrate.” Thus, claim 1 has been amended to change “on” to read --over--.

Claim 11 is considered vague in regard to the “third mask” since first and second masks are not previously recited. The Examiner is requested to favorably reconsider this rejection. In particular, the mere use of “third” does not imply that a first and second mask pattern are required. An applicant can be his own lexicographer.

Claims 1-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Watanabe et al in view of Mizuhara et al. It is respectfully submitted that this rejection have been rendered moot by the filing of the present continued prosecution application.

The filing of the present continued prosecution application excludes the commonly assigned patents as prior art under 35 USC § 103(c) as amended under the American Inventors Protection Act of 1999. More specifically, 35 USC § 103(c) was amended to include prior art under 35 USC § 102(e) to be excluded as prior art if commonly assigned. Thus, Watanabe et al. does not qualify as prior art to the present application.

For at least the foregoing reasons, the presently claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

In the event that this paper is not timely filed, applicant's respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees which may be due with respect to this paper, may be charged to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, WESTERMAN, HATTORI,
McLELAND & NAUGHTON, LLP



Stephen G. Adrian
Attorney for Applicants
Reg. No. 32,878

Attachment: **Version with markings to show changes made**

Atty. Docket No. 990559
1725 K Street, N.W., Suite 1000
Washington, DC 20006
Tel: (202) 659-2930
Fax: (202) 887-0357
SGA/arf

Claim 1 has been amended as follows:

1. (Amended) A fabrication method of a semiconductor device comprising the steps of:

forming a first insulation layer [on] over a substrate,
introducing impurities into said first insulation layer, and
embedding and forming a first conductive layer in said first insulation layer.

